

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF NEW MEXICO,

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Plaintiff,

05 DEC -6 PM 3:42

vs.

CR. NO. 05-1849-JH
CLERK ALBUQUERQUE

DANA JARVIS, et al.,

Defendants.

**UNOPPOSED MOTION BY DEFENDANT GENO BERTHOD
TO MODIFY CONDITIONS OF RELEASE**

COMES NOW Defendant Geno Berthod, by and through his attorney Martin Lopez, III, P.C. (Martin Lopez, III) and hereby moves the Court for an Order Granting his Conditions of Release to be Modified in the above-styled cause. Probation Officer, Sarah Hoppe and Assistant U. S. Attorney, James Braun have no objection to the requested modification. A proposed form of order accompanies this motion, and thus no hearing is requested.

AS GROUNDS, Defendant Geno Berthod would state as follows:

1. Defendant Berthod was ordered released on October 14, 2005 with conditions of release as follows:

- a. appear at all proceedings as required and to surrender for service of any sentence imposed;
- b. report to Pretrial Services as directed;
- c. executed a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property located at 1827 W. 102nd Ave., Thornton, Colorado and Water Rights (The Farmer's Ditch Company);
- d. post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described \$ 100,000.00;
- e. maintain or actively seek employment;
- f. surrender any passport to U. S. Pretrial Services;

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- g. restrict travel to County of residence unless traveling to Albuquerque, New Mexico for Court or as authorized by U. S. Pretrial Services;
- h. avoid all contact with all co-defendants in this case;
- i. refrain from possessing a firearm, destructive devise, or other dangerous weapon, any use of alcohol, possession of a narcotic drug and other controlled substance;
- j. submit to any method of testing required by the pretrial office or the supervising officer;
- k. participate in a program of in-patient or outpatient substance abuse therapy and counseling;
- l. refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is required as a condition of release;
- m. participate in home detention restricting him to his residence except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer;
- n. report as soon as possible to the pretrial services office or supervising officer any contact with any law enforcement personnel, including but not limited to, any arrest, questioning, or traffic stop.

- 2. Defendant has been gainfully employed by Hogan Action Services, Inc. in Thornton, Colorado since his release. See attached correspondence marked as Exhibit "A".
- 3. Defendant Berthod is currently on electronic monitoring.
- 4. It is counsel's understanding that Defendant Berthod has abided by all conditions of release. This has been verified by Probation Officer Sarah Hoppe who oversees Mr. Berthod on a continuous basis in the State of Colorado. She has no objection to this motion.

WHEREFORE, it is respectfully requested that the Court enter an order modifying conditions of release eliminating the need for electronic monitoring and with all previous conditions imposed in full force. A proposed form of Order accompanies this Motion.

Respectfully submitted,

MARTIN LOPEZ, III
A Professional Corporation



Martin Lopez, III
Attorney for Defendant Berthod
1500 Mountain Rd. NW
Albuquerque, NM 87104
Tele: (505) 243-2900

I HEREBY CERTIFY that a true and correct copy of the foregoing was forwarded via facsimile to Assistant U. S. Attorney James Braun and U. S. Probation Officer Sarah Hoppe on this 5th day of December, 2005.



Martin Lopez, III

Office: 303/421-3478

HOGAN ACTION SERVICES, INC.

"The Dirt Masters"



J. "Chris" Hogan, President
9035 Wadsworth Parkway, Suite 4100
Westminster, CO 80021



Fax: 303/421-3488

VIA FACSIMILE

December 1, 2005

Martin Lopez
Attorney at Law
1500 Mountain Road NW
Albuquerque, NM 87104

Attn: Janet

Geno Berthod Jr. has been employed at Hogan Action Services, Inc. November 2, 2005 as a heavy equipment operator. He has worked all requested hours.

If you need any further information, please don't hesitate to contact me.

Sincerely,

A handwritten signature in cursive script.

Lori A. Gray
Office Manager

LG:ch

EXHIBIT

A